

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

EURYIA DIABLO MOBLEY,

Plaintiff,

v.

Case No. 8:21-cv-773-TPB-JSS

P. LeCLERC,  
D. HANSFORD, and  
FRANSEN,

Defendants.

\_\_\_\_\_ /

**ORDER**


Before the Court is Plaintiff Euryia Diablo Mobley's Affidavit of Indigency (Dkt. 2), which the Court construes as a motion for leave to proceed *in forma pauperis*. Although Mr. Mobley submits a copy of his inmate trust account for the six-month period preceding the filing of his complaint, he must also complete a "Prisoner Consent and Financial Certificate" form before proceeding *in forma pauperis* in this case.

It is **ORDERED** that the motion for leave to proceed *in forma pauperis* is **DENIED WITHOUT PREJUDICE** for failure to provide sufficient financial information. The Clerk must send to Mr. Mobley a "Prisoner Consent and Financial Certificate" form. Not later than **Monday, October 25, 2021**, Mr. Mobley must file a fully completed "Prisoner Consent and Financial Certificate" form, if he decides to

proceed *in forma pauperis*. Alternatively, Mr. Mobley may pay the \$402.00 filing fee, if he decides not to proceed *in forma pauperis*. The failure to return the completed form or pay the fee within the allotted time, or to explain non-compliance, will result in the dismissal of this case without further notice. *See Czetli v. Secretary, Dep't of Corr.*, 212 F. App'x 879, 881 (11th Cir. 2006) (“[T]he district court abused its discretion by dismissing Czetli’s petition without first giving him notice and an opportunity to pay the filing fee or file the required documentation to proceed IFP.”). The required form is attached to this order.

Also before the Court is Mr. Mobley’s “Request for Summons to be Filed/for Service of Process” (Dkt. 3), in which he requests that the Clerk of Court issue summons to be served on the defendants. The motion is **DENIED WITHOUT PREJUDICE** as premature. Mr. Mobley may refile the motion after the Court determines whether he may proceed *in forma pauperis* or after he pays the filing fee.

**DONE** and **ORDERED** in Tampa, Florida, on September 29, 2021.

  
\_\_\_\_\_  
JULIE S. SNEED  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:  
Counsel of Record

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
\_\_\_\_\_ DIVISION

\_\_\_\_\_  
PLAINTIFF

v.

Case No. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

**PRISONER CONSENT FORM**  
**AND FINANCIAL CERTIFICATE**

I, \_\_\_\_\_, Plaintiff in the above-entitled action, understand that:

1. If I submit a **civil complaint** (for example, a civil rights action under 42 U.S.C. § 1983 or 28 U.S.C. § 1331), pursuant to the Prison Litigation Reform Act of 1995, 28 U.S.C. § 1915 (as amended), **I must pay the \$350.00 filing fee in full**. This means that, regardless of the court's disposition of my case (which may include dismissal), I AM STILL OBLIGATED TO PAY THE ENTIRE \$350.00 FILING FEE; and
2. I must request that an authorized official at my present place of confinement complete the Financial Certificate below and attach a computer printout reflecting all transactions in my prison account for the six month period preceding the filing of my complaint. If I have not been incarcerated at this institution for six months, I must also obtain account printout(s) **from each penal facility** at which I may have been confined during the relevant six month period and provide the printout(s) to the authorized official completing my Financial Certificate. If I fail to provide printouts for the entire six month period or do not satisfactorily explain my inability to do so to the court, my motion to proceed *in forma pauperis* may be denied or my case may be **dismissed without further notice**; and
3. The officials at the institution at which I am presently confined or any institution to which I may be transferred are hereby authorized to forward to the court an initial partial filing fee, which shall be 20% of my average monthly balance (line #2

of the Financial Certificate, below) or the average monthly deposits to my account (line #3 of the Financial Certificate, below), whichever is greater; and

4. The officials at the institution at which I am presently confined or any institution to which I may be transferred are hereby authorized to make additional monthly payments from my account until the balance of the required \$350.00 filing fee is paid. These additional monthly payments will be equal to 20% of all of the preceding month's deposits to my account. Institution officials shall submit these monthly payments directly to the Court whenever the funds in my account exceed \$10.00 until the full filing fee is paid.

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**Signature of Prisoner**

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**Date**

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**Prisoner's Name (print)**

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**Prisoner Number**

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**FINANCIAL CERTIFICATE**

(To Be Completed by Authorized Penal Official)

COMPUTER PRINTOUT SHOWING ALL TRANSACTIONS IN THE  
INMATE'S  
PRISON ACCOUNTS FOR THE PRECEDING SIX MONTHS **MUST** BE  
ATTACHED

1. CURRENT ACCOUNT BALANCE \_\_\_\_\_
2. AVERAGE MONTHLY BALANCE FOR PRECEDING SIX MONTHS  
\_\_\_\_\_
3. AVERAGE MONTHLY DEPOSITS FOR PRECEDING SIX MONTHS  
\_\_\_\_\_
4. INITIAL FILING FEE: 20% of the greater of #2 or #3 \_\_\_\_\_  
(Subject to verification by the Court.)

\* The inmate is responsible for obtaining the required printout(s) from each institution at which the inmate may have been confined during the preceding six months and to provide the printouts to the official completing this form.

If printouts or the above calculations do not represent the preceding six month period in its entirety, the official completing this form should explain here:

**I hereby certify that, as of this date, the above information for the prison account of the inmate named herein is correct.**

\_\_\_\_\_  
**Signature of Authorized Official**

\_\_\_\_\_  
**Date**